

CUSTOMER NO. 46900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Cannon 112-102

In re application of: Cannon et al.

Serial No.: 09/777,889

Group Art Unit: 2687

Filed: 2/7/01

Examiner: Nguyen, Khai Minh

Matter No.: 992.1206

Phone No.: 571-272-7923

For: Cordless Telephone Active-Call Enabled Intercom

PETITION UNDER 37 CFR § 1.137(b) FOR REVIVAL OF ABANDONED APPLICATION

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed on 4/5/07, the Applicant files this Petition for Revival of Abandoned Application under 37 CFR § 1.137(b). The Applicant submits that the abandonment of the above-referenced patent application was unintentional. Accompanying this petition is the petition fee of \$1,540.00 as set forth in 37 CFR § 1.17(m).

In support of this Petition, the Applicant states as follows:

On 3/9/06, the Examiner issued a Final Office Action. In response, the Applicant filed an Amendment on 5/9/06. The Examiner issued an Advisory Action on 6/6/06. On 6/20/06, the Examiner and his Supervisor held an Interview with the Applicant's attorney Kevin Drucker. In the Interview, the Examiner and his Supervisor said they would vacate the pending Final Office Action and issue a new action. To confirm this, on 6/28/06, the Examiner and his Supervisor mailed an Interview Summary (copy attached as Exhibit A) stating, "In accordance with the discussion with applicant's representative, Kevin Drucker, the previous final office action is vacated and a new office action will be issued."

However, the Examiner never issued any new office action. Instead, on 4/5/07, the Examiner issued a Notice of Abandonment, alleging that no reply was received in response to the 6/6/06 Advisory Action.

On 4/13/07, in response to the Notice of Abandonment mailed on 4/5/07, the Applicant filed a Petition to Withdraw the Improper Holding of Abandonment for the above-referenced patent application. The basis for this Petition was that the Examiner improperly held this application abandoned because the Examiner and his Supervisor had vacated the Final Office Action and said they would be issuing a new office action, and no new office action was ever issued.

On 7/18/07, the USPTO denied the Petition to Withdraw the Improper Holding of Abandonment because "the supervisor was without the authority to withdraw the finality of the Office action on June 16, 2006 as the statutory period had expired and the application was no longer pending without the necessary extension of time. The Office sincerely regrets that this insufficiency was not brought to the attention of applicant's representative at the time of the interview."

At no time did the Applicant ever intend to abandon this application.

In view of the foregoing, the Applicant requests that this Petition be granted, that this application be revived, and that a new office action or notice of allowance be issued.

Respectfully submitted,

Date: October 5, 2007
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